

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) ARNOLD FRANK	DEFENDANTS CHASE BANK USA, NATIONAL ASSOCIATION an FDIC insured corporation
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) ELLIOT W. GALE (SBN 262326) SAGARIA LAW, P.C. 33 WEST SAN CARLOS STREET, SUITE 1750 SAN JOSE, CA 95110 (408) 279-2288	Attorneys (If Known) GEORGE G. WEICKHARDT (SBN 58586) WENDY C. KROG (SBN 257010) ROPERS, MAJESKI, KOHN & BENTLY, P.C. 201 SPEAR STREET, SUITE 1000 SAN FRANCISCO, CA 94105-1667 (415) 543-4800

COPY

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table border="0"> <tr> <td></td> <td>PTF</td> <td>DEF</td> <td></td> <td>PTF</td> <td>DEF</td> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				
IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																									

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ 10,000.00

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 FEDERAL FAIR CREDIT REPORTING ACT, 15 USC SECTION 1681s-2(b)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 22 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 61 HIA(13950) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW 405(g) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI 405(g) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
--	--	--	--	--	--

FOR OFFICE USE ONLY: Case Number:

EDCV12-1248

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☒ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
RIVERSIDE	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☒ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	DELEWARE

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): 

Date July 27, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

COPY

FILED

1 GEORGE G. WEICKHARDT (SBN 58586)

gweickhardt@rmkb.com

2 WENDY C. KROG (SBN 257010)

wkrog@rmkb.com

3 ROPERS, MAJESKI, KOHN & BENTLEY, P.C. 2012 JUL 27 AM 10: 23

201 Spear Street, Suite 1000

4 San Francisco, CA 94105-1667

Telephone: (415) 543-4800

5 Facsimile: (415) 972-6301

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

6 Attorneys for Defendant
CHASE BANK USA, N.A.8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

11 ARNOLD FRANK,

12 Plaintiff,

13 v.

14 CHASE BANK, USA, NATIONAL
ASSOCIATION an FDIC insured
15 corporation and DOES 1 through 100
inclusive,

16 Defendant.

CASE NO. EDCV 12-1248-VAP(SHA)

NOTICE OF REMOVAL FROM
CIVIL ACTION FROM STATE
COURT TO THE UNITED STATE
DISTRICT COURT FOR THE
CENTRAL DISTRICT OF
CALIFORNIA18 TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
19 THE CENTRAL DISTRICT OF CALIFORNIA, AND ALL PARTIES AND
20 THEIR ATTORNEYS OF RECORD:21 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 1441(a), defendant
22 Chase Bank USA, N.A. ("Chase") hereby removes the above-entitled action from
23 the Superior Court of the State of California in and for the County of Riverside to
24 the United States District Court for the Central District of California based on the
25 following facts:26 1. On or about June 28, 2012, plaintiff Arnold Frank filed an action in the
27 Superior Court of California for the County of Riverside, entitled *Arnold Frank v.*
28

1 *Chase Bank USA, National Association, et al.*; Case No. RIC1209852 (“the
2 Action”). Copies of the summons and complaint filed in the Action are attached
3 hereto as Exhibit A.

4 2. The Action alleges violations of the Fair Credit Reporting Act, 15
5 U.S.C. § 1681, et seq., the California Consumer Credit Reporting Act, Cal. Civ.
6 Code § 1785.1, et seq., and the Cal. Bus. & Prof. Code § 17200. See Complaint, ¶
7 1.

8 3. The Action is a case under which this Court has original jurisdiction
9 pursuant to 28 U.S.C. § 1331, and is one which may be removed to this Court by
10 defendant pursuant to the provisions of 28 U.S.C. § 1441(a), in that plaintiff alleges
11 claims under the Federal Fair Credit Reporting Act in the following paragraphs:

12 a. Paragraph 1: “Plaintiff seeks monetary, declaratory and
13 injunctive relief based on violations of Fair Credit Reporting Act, 15 U.S.C.
14 1681 et. seq...”

15 b. Paragraph 19: “The actions of Creditor as alleged herein are acts
16 in violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b).”

17 c. Paragraph 24: “Transunion sent notice of Plaintiff’s dispute to
18 Creditor pursuant to Section 1681i(a)(2) of the Fair Credit Reporting Act.
19 Creditor was thereafter under a duty to reasonably investigate Plaintiff’s
20 dispute and to modify, delete, or block the information if the investigation
21 finds the information is incomplete or inaccurate pursuant to section 15
22 U.S.C. 1681s-2(b)(1)(A) & (E).”

23 d. Paragraph 25: “Plaintiff is informed that Creditor violated 15
24 U.S.C. 1681s-2(b)(1)(A) by failing to reasonably investigate Plaintiff’s
25 dispute after receiving notice from Transunion.”

26 e. Paragraph 26: “Plaintiff is informed that Creditor violated 15
27 U.S.C. 1681s-2(b)(1)(E) by failing to discover and remove the derogatory
28 delinquent notation on Plaintiff’s credit report.”

1 f. Paragraph 27: "... creditor willfully and negligently failed to
2 comply with its duty to investigate Plaintiff's dispute under 15 U.S.C.
3 1681(n) & (o)."

4 g. PRAYER, Paragraph b: "Award \$10,000 in statutory and actual
5 damages pursuant to 15 U.S.C. § 1681n ..."

6 h. PRAYER, Paragraph c: "Award punitive damages in order to
7 deter further unlawful conduct pursuant to 15 U.S.C. § 1681n; ..."

8 i. PRAYER, Paragraph d: "Award attorney's fees and costs of suit
9 incurred herein pursuant to 15 U.S.C. § 1681 n & o ..."

10 j. PRAYER, Paragraph e: "For determination by the Court that
11 Creditor's policies and practices are unlawful and in willful violation of 15
12 U.S.C. § 1681n, et seq.; ..."

13 4. The Action is therefore specifically alleged to be a case that arises
14 under federal law within the meaning of 28 U.S.C. § 1331.

15 5. VENUE: Paragraphs three and four of plaintiff's complaint allege that
16 venue is proper in the County of Riverside because plaintiff "is an individual and
17 currently resides in the county of Riverside, California." Complaint, ¶ 3. Based on
18 plaintiff's allegations, venue of this action is proper in the Eastern Division of this
19 Court.

20 6. Chase was served with a copy of summons and complaint in the
21 Action on June 29, 2012, and thirty days from that date have not elapsed. This
22 notice of removal is therefore being filed within thirty days after service of a copy
23 of the initial pleading setting forth the claims for relief upon which the Action or
24 proceeding is based.

25 7. For reasons stated above, Chase hereby removes the above-entitled
26 Action to this Court.
27
28

1 Dated: July 27, 2012

ROPERS, MAJESKI, KOHN & BENTLEY,
P.C.

2
3
4 By: 

GEORGE G. WEICKHARDT
WENDY C. KROG
Attorneys for Defendant
CHASE BANK USA, N.A.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Ropers Majeski Kohn & Bentley
A Professional Corporation
San Francisco

EXHIBIT A

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Chase Bank USA, National Association an FDIC insured corporation
and DOES 1 through 100 inclusive

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Arnold Frank

SUM-100
FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 28 2012

A. Sanchez

NOTICE: You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. AVISO: Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no pueda pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por inumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Riverside

4050 Main Street
Riverside, CA 92501

CASE NUMBER:
(Número del Caso):

RIC

1209852

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Elliot Gale, 333 West San Carlos Street, Suite 1750 San Jose, CA 95110, 1-408-279-2288

DATE: June 28, 2012
(Fecha)

JUN 28 2012

Clerk, by
(Secretario)

A. Sanchez

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Chase Bank USA, National Association
an FDIC insured corporation
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.60 (authorized person)
☐ other (specify):
4. ☒ by personal delivery on (date): 6/29/12

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): SCOTT J. SAGARIA (BAR #217981) ELLIOT W. GALE (BAR #263326) SAGARIA LAW, P.C. 333 West San Carlos Street, Suite 1750 San Jose, CA 95110 TELEPHONE NO.: 408-279-2288 FAX NO.: 408-279-2299 ATTORNEY FOR (Name): Arnold Frank		CM-010 FOR COURT USE ONLY		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 4050 Main Street MAILING ADDRESS: CITY AND ZIP CODE: Riverside, CA 9250 BRANCH NAME: Civil				
CASE NAME: Frank v. Citibank, National Association				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) </td> <td style="width: 50%; padding: 5px;"> Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) </td> </tr> </table>			CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)			

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PIP/DWD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/DWD (23) Non-PIP/DWD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (18) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/DWD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (16) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (38)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **Three**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 28, 2012

Elliot Gale

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

 Form Adopted for Mandatory Use
 Judicial Council of California
 CM-010 (Rev. July 1, 2007)
CIVIL CASE COVER SHEET
 Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3.740;
 Cal. Standards of Judicial Administration, std. 3.10
www.courtinfo.ca.gov

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (45) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (34)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (43)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PIPD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PI/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PIPD/WD

Non-PIP/WD (Other) Tort

Business Tort/Unfair Business Practice (37)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (38)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PIP/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (35)
Breach of Rental Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller
Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (39)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (36) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (36)
Petition Re: Arbitration Award (11)
Writ of Mandate (32)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal.

Rules of Court Rules 3.400–3.403)
Antitrust/Trade Regulation (33)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition

1 SCOTT J. SAGARIA (BAR # 217981)
Ssagaria@sagarialaw.com
2 ELLIOT W. GALE (BAR #263326)
Egale@sagarialaw.com
3 SAGARIA LAW, P.C.
333 West San Carlos Street, Suite 1750
4 San Jose, CA 95110
408-279-2288 ph
5 408-279-2299 fax

6 Attorneys for Plaintiff

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 28 2012

A. Sanchez

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF RIVERSIDE

1209852

10
11 CASE NO.:

RIC

12
13 COMPLAINT FOR DAMAGES:

14 ARNOLD FRANK,

15 Plaintiff,

16 v.

17 CHASE BANK USA, NATIONAL
18 ASSOCIATION an FDIC insured
19 corporation and DOES 1 through 100
20 inclusive,

21 Defendants,

1. Violation of Fair Credit Reporting Act;
2. Violation of California Consumer Credit
Reporting Agencies Act;
3. Violation of California Unfair Business
Practices Act;

BY FAX

22
23 COMES NOW Plaintiff ARNOLD FRANK, an individual, based on information and belief, to
24 allege as follows:
25
26
27
28

INTRODUCTION

1. This action seeks redress for the unlawful and deceptive practices committed by the Defendants in connection with their inaccurate reporting of Plaintiff's discharged debt. In particular, Defendants' conduct involves improperly continuing to report Plaintiff's account derogatory "delinquent" instead of discharged in bankruptcy, after receiving notice of Plaintiff's dispute from Transunion. Defendant's also failed to report the debt as disputed. Plaintiff seeks monetary and declaratory relief based on violations of Fair Credit Reporting Act, 15 U.S.C. 1681 et. seq., and California Consumer Credit Reporting Act, California Civil Code §1785.1 et seq. Additional causes of actions are stated for violations of the California Business and Professions Code 17200.

JURISDICTION AND VENUE

2. Plaintiff re-alleges and incorporates herein by this reference the allegations in each and every paragraph above, fully set forth herein.
3. Plaintiff, Arnold Frank (hereinafter "Plaintiff"), is an individual and currently resides in the county of Riverside, California.
4. This venue is proper pursuant to California Code of Civil Procedure § 395.5.
5. This Court has jurisdiction over Plaintiff's allegations pursuant to California Code of Civil Procedure § 410.10 et seq.
6. Plaintiff is a natural person and competent adult who at all relevant times in this Complaint resided in the State of California.
7. Defendant, Chase Bank USA, National Association (hereinafter "Creditor") is located at 200 White Clay Center Drive, Newark DE 19711. Creditor collects debts on its own behalf throughout the county of Riverside.
8. Plaintiff is unaware of the true names and capacities of Defendants DOES 1 through 100, inclusive. Plaintiff is informed and believes and thereon alleges that each fictitious Defendant was in some way responsible for the matters and things complained of herein, and in some fashion, has legal responsibility therefore. When the exact nature

1 and identity of each fictitious Defendant's responsibility for the matters and things
 2 herein alleged are ascertained by Plaintiff, Plaintiff will seek to amend this Complaint
 3 and all proceedings to set forth the same, pursuant to California Code of Civil
 4 Procedure 474.

- 5 9. Plaintiff is informed and believes, and thereon alleges, that at all times mentioned
 6 herein, each of Defendant is, and at all relevant times herein was, the agent, employee,
 7 and alter ego of each of the remaining Co-Defendants, and in committing the acts
 8 herein alleged, was acting in the scope of their authority as such agents, employees, or
 9 alter egos and with the permission and consent of the remaining Co-Defendants.

10 PRE-LITIGATION CLAIM FILINGS

- 11
 12 10. On or about April 4, 2012 Plaintiff sent Transunion a written notice disputing
 13 Creditor's improper reporting of Plaintiff's account as "delinquent" instead of
 14 discharged in bankruptcy. Pursuant to Section 1681i(a)(2) of the Fair Credit Reporting
 15 Act, Transunion provided notice to Creditor of Plaintiff's dispute. After receiving
 16 notice of Plaintiff's allegations, Creditor verified that it received notice of Plaintiff's
 17 from Transunion and continued inaccurately reporting the derogatory delinquent
 18 notation.

19 GENERAL ALLEGATIONS

- 20
 21 11. Plaintiff re-alleges and incorporates herein by this reference the allegations in each and
 22 every paragraph above, as though fully set forth herein.
 23 12. On May 2, 2011 Plaintiff filed a joint voluntary Chapter 7 bankruptcy petition in the
 24 United States Bankruptcy Court for the Central District of California.
 25 13. The § 341(a) meeting of creditors was held in Riverside, California on or about June
 26 16, 2011.
 27 14. In the Schedules filed with the petition in this case and on the master mailing matrix
 28 filed with the Clerk of this Court, an unsecured debt was listed on Schedule F in favor
 of Creditor in the amount of \$579.00 (hereinafter "Debt").

1 15. On August 16, 2011 Plaintiff was granted a discharge of all dischargeable debts
 2 pursuant to 11 U.S.C. § 727. Creditor was noticed by electronic transmission of
 3 Plaintiff's discharge on August 16, 2011. Since Plaintiff never re-affirmed Creditor's
 4 debt during bankruptcy, Plaintiff alleges that this Discharge included the debt to
 5 Creditor.

6 16. On April 4, 2012 Plaintiff sent written notice to Transunion specifically disputing
 7 Creditor's inaccurate reporting of Plaintiff's account as "delinquent" after Plaintiff
 8 received a discharge in bankruptcy.

9 17. On May 4, 2012 Plaintiff received a copy of her Service 1st credit report a compilation
 10 of credit reports from Transunion, Equifax, and Experian in order to verify that the
 11 inaccuracies on Plaintiff's credit report were corrected. Creditor continued reporting to
 12 Transunion Plaintiff's account as charged off rather than discharged in bankruptcy. In
 13 addition Creditor failed to report the debt as disputed even after receiving notice of
 14 Plaintiff's allegations.

15 18. To date, Creditor refuses to correct Plaintiff's credit report despite being noticed of the
 16 original bankruptcy and re-noticed of its inaccurate reporting from Transunion.

17 19. The actions of Creditor as alleged herein are acts in violation of the Fair Credit
 18 Reporting Act, 15 U.S.C. § 1681s-2(b).

19 20. The actions of Creditors as alleged herein are acts in violation of the consumer credit
 20 reporting agencies act California Civil Code § 1785.25(a).

21 21. The actions of Creditors as alleged herein are acts in violation of the California
 22 Business and Professions Code § 17200.

23 **FIRST CAUSE OF ACTION**
 24 (Violation Of Fair Credit Reporting Act
 25 15 U.S.C. § 1681s-2(b))
 (Against Defendant Creditor and Does 1-100)

26 22. Plaintiff re-alleges and incorporates herein by this reference the allegations in each and
 27 every paragraph above, as though fully set forth herein.
 28

1 23. Creditor, in the course of regular business, reports information to credit reporting
2 agencies.

3 24. Plaintiff promptly disputed Creditor's inaccurate reporting with Transunion.
4 Transunion sent notice of Plaintiff's dispute to Creditor pursuant to Section 1681i(a)(2)
5 of the Fair Credit Reporting Act. Creditor was thereafter under a duty to reasonably
6 investigate Plaintiff's dispute and to modify, delete, or block the information if the
7 investigation finds the information is incomplete or inaccurate pursuant to section 15
8 U.S.C. 1681s-2(b)(1)(A) & (E).

9 25. Plaintiff is informed that Creditor violated 15 U.S.C. 1681s-2(b)(1)(A) by failing to
10 reasonably investigate Plaintiff's dispute after receiving notice from Transunion.
11 Specifically, Plaintiff is informed that Creditor, after receiving notice of Plaintiff's
12 dispute from Transunion, should have discovered from its records, including the two
13 notices sent from the bankruptcy noticing center, that Plaintiff's account was
14 discharged in bankruptcy. Because Plaintiff was no longer personally obligated to pay
15 the preexisting debt with Creditor, Creditor should not have reported the account as
16 open and delinquent.

17 26. Plaintiff is informed that Creditor violated 15 U.S.C. 1681s-2(b)(1)(E) by failing to
18 discover and remove the derogatory delinquent notation on Plaintiff's credit report.
19 Specifically, Creditor should have reported to Transunion that Plaintiff's credit report
20 should indicate that Plaintiff's account was discharged in bankruptcy. Plaintiff's
21 account should also have been reported as disputed.

22 27. Creditor's failure to correct the previously disclosed inaccuracies on Plaintiff's credit
23 report was intentional and in reckless disregard of its duty to refrain from reporting
24 inaccurate information. Consequently, creditor willfully and negligently failed to
25 comply with its duty to investigate Plaintiff's dispute under 15 U.S.C. 1681(n) & (o).

26 28. As a direct and proximate result of Creditor's willful and untrue communications,
27 Plaintiff has suffered actual damages including but not limited to reviewing credit
28 reports from all three consumer reporting agencies, traveling to and from Plaintiff's

1 counsel's office, sending demand letters, continued impairment to her credit score, and
2 such further expenses in an amount to be determined at trial.

3 29. As a further direct and proximate result of Creditor acts state herein, Plaintiff incurred
4 pain and suffering, was impeded in seeking necessary products and services from
5 vendors and additional credit from other credit agencies.

6 30. Wherefore, Plaintiff prays for judgment as hereinafter set forth.

7 **SECOND CAUSE OF ACTION**

8 (Violation Of Consumer Credit Reporting Agencies Act
9 California Civil Code § 1785.25(a))
10 (Against Defendants Creditor and Does 1-100)

11 31. Plaintiff re-alleges and incorporates herein by this reference the allegations in each and
12 every paragraph above, as though fully set forth herein.

13 32. Creditor, in the ordinary course of business, regularly and on a routine basis furnishes
14 information to one or more consumer credit reporting agencies.

15 33. Creditor intentionally and knowingly reported inaccurate and false information
16 regarding delinquency in payment after Plaintiff received a discharge in bankruptcy to
17 credit reporting agencies in violation of California Civil Code § 1785.25(a).

18 34. Creditor should have discovered through investigation that the reported information of
19 Plaintiff's account was inaccurate.

20 35. Creditor failed to correct inaccurate information provided to the agencies as described
21 hereinabove in violation of California Civil Code § 1785.25(a).

22 36. Creditor's communications of false information, and repeated failures to investigate,
23 and correct their inaccurate information and erroneous reporting were done knowingly,
24 intentionally, and in reckless disregard for their duties and Plaintiff's rights.

25 37. As a direct and proximate result of Creditors willful and untrue communications,
26 Plaintiff has suffered actual damages including but not limited to reviewing credit
27 reports from all three consumer reporting agencies, traveling to and from Plaintiff's
28

1 counsel's office, sending demand letters, continued impairment to her credit score, and
2 such further expenses in an amount to be determined at trial.

3 38. As a further direct and proximate result of Creditor acts state herein, Plaintiff incurred
4 pain and suffering, was impeded in seeking necessary products and services from
5 vendors and additional credit from other credit agencies.

6 39. Wherefore, Plaintiff prays for judgment as hereinafter set forth.

7
8 **THIRD CAUSE OF ACTION**

9 (Unfair Business Practices Act
10 California Business and Professions Code § 17200)
11 (Against Defendant Creditor and Does 1-100)

12 58. Plaintiff re-alleges and incorporates herein by this reference the allegations in each and
13 every paragraph above, as though fully set forth herein.

14 59. Plaintiff brings this action in individual capacity and on behalf of the general public.

15 60. Creditor at all times relevant to this Complaint, was engaged in the business of
16 collections and providing services on credit to qualified applicants.

17 61. Commencing on or about January 18, 2011 and continuing to the present, Creditor
18 committed the acts of unfair practices as defined by Business and Professions Code §
19 17200 and described in the above stated Causes of Action.

20 62. Creditor's misleading and unfair practice within the meaning of Business and
21 Professions Code § 17200 specifically includes Creditor's continued inaccurate
22 reporting after receiving notice of Plaintiff's dispute in violation of California Civil
23 Code § 1785.25(a).

24 63. These unfair and unlawful business practices of Creditor are likely to continue and
25 therefore will continue to injure Plaintiff and mislead the public by inaccurate record
26 keeping, failure to correct inaccuracies and erroneous dissemination of inaccurate
27 information, and present a continuing threat to the public.

28 65. Wherefore, Plaintiff prays for judgment as hereinafter set forth.

1 PRAYER FOR RELIEF

2 WHEREFORE, Plaintiff prays for judgment as follows:

- 3 a. For preliminary and permanent injunctive relief to stop Defendants from
4 engaging in the conduct described above;
- 5 b. Award \$10,000 in statutory and actual damages pursuant to 15 U.S.C. § 1681n
6 and California Civil Code § 1785.31;
- 7 c. Award punitive damages in an amount to deter further unlawful conduct
8 pursuant to 15 U.S.C. § 1681n, and California Civil Code § 1785.31;
- 9 d. Award attorney's fees and costs of suit incurred herein pursuant to 15 U.S.C. §
10 1681n & e; and California Civil Code § 1785.31;
- 11 e. For determination by the Court that Creditor's policies and practices are
12 unlawful and in willful violation of 15 U.S.C. § 1681n, et seq.; California
13 Business and Professions Code § 17200, et seq.; and California Civil Code §§
14 45, 1785.25(g), et seq.;
- 15 f. For determination by the Court that Creditor's policies and practices are
16 unlawful and in negligent violation of 15 U.S.C. § 1681o;
- 17 g. For such other and further relief as the court deems appropriate under the
18 circumstances.

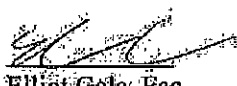
19 DEMAND FOR JURY TRIAL

20 Plaintiff hereby demands trial of this matter by jury.

21
22 SAGARIA LAW, P.C.

23
24 Dated: June 28, 2012

25 By:

26 
27 Elliot Gale, Esq.
28 Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
4050 Main Street - 2nd Floor
Riverside, CA 92501
www.riverside.courts.ca.gov

NOTICE OF ASSIGNMENT TO DEPARTMENT FOR CASE MANAGEMENT PURPOSES
AND CASE MANAGEMENT CONFERENCE (CRC 3.722)

FRANK VS CHASE BANK USA

CASE NO. RIC 1209852

This case is assigned to the Honorable Judge Sharon J. Waters
in Department 10 for case management purposes.
The Case Management Conference is scheduled for 01/08/13
at 8:30 in Department 10.

Case is Assigned to Department 12 for Law and Motion Purposes.

The plaintiff/cross-complainant shall serve a copy of this notice on
all defendants/cross-defendants who are named or added to the
complaint and file proof of service.

Any disqualification pursuant to CCP Section 170.6(a)(2) shall be
filed in accordance with that section.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of
California, County of Riverside, and that I am not a party to this
action or proceeding. In my capacity, I am familiar with the practices
and procedures used in connection with the mailing of correspondence.
Such correspondence is deposited in the outgoing mail of the Superior
Court. Outgoing mail is delivered to and mailed by the United States
Postal Service, postage prepaid, the same day in the ordinary course
of business. I certify that I served a copy of the foregoing
notice on this date, by depositing said copy as stated above.

Dated: 06/28/12

Court Executive Officer/Clerk

By: 

ANNA B SANCHEZ, Deputy Clerk

ac:cmc;cmcb;cmch;cmct;cmcc
cmccb;cmcch;cmcct



SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

www.riverside.courts.ca.gov

Self-represented parties: <http://riverside.courts.ca.gov/selfhelp/self-help.shtml>

**ALTERNATIVE DISPUTE RESOLUTION (ADR) –
INFORMATION PACKAGE**

(California Rules of Court, Rule 3.221; Local Rule, Title 4)

***** THE PLAINTIFF MUST SERVE THIS INFORMATION PACKAGE
ON EACH PARTY WITH THE COMPLAINT. *****

What is ADR?

Alternative Dispute Resolution (ADR) is a way of solving legal disputes without going to trial. The main types are mediation, arbitration and settlement conferences.

Advantages of ADR:

- ✧ Faster: ADR can be done in a 1-day session within months after filing the complaint.
- ✧ Less expensive: Parties can save court costs and attorneys' and witness fees.
- ✧ More control: Parties choose their ADR process and provider.
- ✧ Less stressful: ADR is done informally in private offices, not public courtrooms.

Disadvantages of ADR:

- ✧ No public trial: Parties do not get a decision by a judge or jury.
- ✧ Costs: Parties may have to pay for both ADR and litigation.

Main Types of ADR:

Mediation: In mediation, the mediator listens to each person's concerns, helps them evaluate the strengths and weaknesses of their case, and works with them to create a settlement agreement that is acceptable to everyone. If the parties do not wish to settle the case, they go to trial.

Mediation may be appropriate when the parties:

- ✧ want to work out a solution but need help from a neutral person; or
- ✧ have communication problems or strong emotions that interfere with resolution; or
- ✧ have a continuing business or personal relationship.

Mediation is not appropriate when the parties:

- ✧ want their public "day in court" or a judicial determination on points of law or fact;
- ✧ lack equal bargaining power or have a history of physical/emotional abuse.

Arbitration: Arbitration is less formal than trial, but like trial, the parties present evidence and arguments to the person who decides the outcome. In "binding" arbitration the arbitrator's decision is final; there is no right to trial. In "non-binding" arbitration, any party can request a trial after the arbitrator's decision. The court's mandatory Judicial Arbitration program is non-binding.

Arbitration may be appropriate when the parties:

- ✧ want to avoid trial, but still want a neutral person to decide the outcome of the case.

Arbitration is not appropriate when the parties:

- ✧ do not want to risk going through both arbitration and trial (Judicial Arbitration)
- ✧ do not want to give up their right to trial (binding arbitration)

Settlement Conferences: Settlement conferences are similar to mediation, but the settlement officer usually tries to negotiate an agreement by giving strong opinions about the strengths and weaknesses of the case, its monetary value, and the probable outcome at trial. Settlement conferences often involve attorneys more than the parties and often take place close to the trial date.

RIVERSIDE COUNTY SUPERIOR COURT ADR REQUIREMENTS

ADR Information and forms are posted on the ADR website: <http://riverside.courts.ca.gov/adr/adr.shtml>

General Policy:

Parties in most general civil cases are expected to participate in an ADR process before requesting a trial date and to participate in a settlement conference before trial. (Local Rule 4.0000)

Court-Ordered ADR:

Certain cases valued at \$50,000 or under may be ordered to judicial arbitration or mediation. This order is usually made at the Case Management Conference. For more information, see the "Court-Ordered Mediation Information Sheet"

http://www.riverside.courts.ca.gov/adr/infosheet4crtordered_mediation.pdf

Private Voluntary ADR (for cases not ordered to arbitration or mediation):

Parties schedule and pay for their ADR process without Court involvement. Parties may schedule private ADR at any time; there is no need to wait until the Case Management Conference. Many Civil Mediation Panel mediators provide reduced-cost "VALUE" mediations when the amount in dispute is \$100,000 or under. For more information, see the "Private Mediation Information Sheet"

<http://www.riverside.courts.ca.gov/adr/infosheet4privatemediation.pdf>

BEFORE THE CASE MANAGEMENT CONFERENCE (CMC), ALL PARTIES MUST:

1. Discuss ADR with all parties at least 30 days before the CMC. Discuss:
 - ⌘ Your preferences for mediation or arbitration. Before selecting mediation, review the information posted here:
http://www.riverside.courts.ca.gov/adr/infosheet4crtordered_mediation.pdf
 - ⌘ Your schedule for discovery (getting the information you need) to make good decisions about settling the case at mediation or presenting your case at an arbitration.
2. File the attached "Stipulation for ADR" along with the Case Management Statement, if all parties can agree.
3. Be prepared to tell the judge your preference for mediation or arbitration and the date when you could complete it.

(Local Rule 4.0018)

RIVERSIDE COUNTY ADR PROVIDERS INCLUDE:

- ⌘ The Court's Civil Mediation Panel (available for Court-Ordered Mediation and Private Mediation, including VALUE mediations). See <http://adr.riverside.courts.ca.gov/adr/civil/panelist.php> or ask for the list in the civil clerk's office, attorney window.
- ⌘ Riverside County ADR providers funded by DRPA (Dispute Resolution Program Act):
Dispute Resolution Service (DRS) Riverside County Bar Association: (951) 682-1015
Dispute Resolution Center, Community Action Partnership (CAP): (951) 955-4900